

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 09-8005

IN RE: ANTHONY D. ARNOLD, MEMBER OF THE BAR

Before LANCE, DAVIS, and SCHOELEN, *Judges*

ORDER

This case arises out of attorney Anthony Arnold's conduct in representing the appellant in *Singleton v. Shinseki*, Case No. 08-2485. Mr. Arnold is the subject of both a grievance filed with this Court, and a separate disciplinary complaint filed with the Attorney Grievance Commission of Maryland. Both actions arise from the facts concerning Case No. 08-2485. Moreover, the disciplinary rules for the Maryland bar and this Court's bar are similar. The Maryland Rules of Professional Conduct mirror the Model Rules of Professional Conduct (Model Rules). The Model Rules constitute this Court's "disciplinary standard for practice" pursuant to this Court's Rules of Admission and Practice ("A&P Rules") 4(a).

As detailed below, on November 18, 2010, the Attorney Grievance Commission of Maryland (Maryland Commission) issued a public reprimand of Mr. Arnold. Pursuant to this order, and in accordance with this Court's Admission and Practice (A&P) Rule 7(d)(3)(B), this Court will impose reciprocal discipline in the form of a public reprimand.

After Mr. Arnold filed a notice of appearance in Case No. 08-2485 on February 20, 2009, the genesis of this case was Mr. Arnold's failure to file a routine statement of the issues, despite the Court's April 17, 2009, order directing him to do so pursuant to Rule 33(a) of the Court Rules of Practice and Procedure ("P&P Rules"). A statement of the issues is a necessary prelude to this Court's routine briefing conference attended by the parties' representatives and a Court staff attorney.

The Court filed a second order on May 12, 2009, requiring Mr. Arnold to file the statement within three days. Mr. Arnold filed a motion on May 20th, requesting permission to submit the documents late. The Court granted his request, but Mr. Arnold did not submit the documents before the June 3rd briefing conference, as required. Consequently, the Court was forced to issue a third order requiring that the documents be filed within three days. Again, Mr. Arnold did not respond. The Court next issued a show cause order ("SCO") as to "why further appropriate action should not be taken." Mr. Arnold still did not respond, and a second SCO was issued on June 29th, this time as to why the appeal should not be dismissed. The Court received no response from Mr. Arnold regarding the second SCO.

On June 29, 2009, the Court received a letter from the Mr. Arnold's client stating that she was dismissing Mr. Arnold. The Court stayed the proceedings on July 6th, notifying Mr. Arnold that he would be responsible for the case unless and until he filed, and the Court granted, his motion to

withdraw from representation. Mr. Arnold filed a motion to withdraw on July 15th. However, the motion did not comply with P&P Rules 27(a)(4) and 46(d), which specify the content required for motions to the Court. The Court advised Mr. Arnold of the noncompliant motion on July 20th, and stayed the case to allow him to file a rule-compliant motion to withdraw. Mr. Arnold never filed that motion.

The Court issued its third SCO on August 12, 2009, as to why Mr. Arnold should not be removed from the case, and why disciplinary proceedings should not be initiated against him. Again, Mr. Arnold failed to respond. As a result, on September 3, 2009, the Court removed Mr. Arnold from the case and an internal grievance was filed with the Clerk against Mr. Arnold. After the Chief Judge referred the grievance to this Panel on October 30, 2009, pursuant to A&P Rule 6(a), the Panel issued an SCO to Mr. Arnold as to why he should not be suspended from practice before the Court. Mr. Arnold's February 2, 2010, response acknowledged that the facts described by the Court and appellant were accurate, but cited as an explanation a loss of "all data and case history" as a result of a computer virus. After issuing another SCO pursuant to A&P Rule 6(b)(1)(B) as to why this case should not go to the Court's Committee on Admission and Practice ("Committee") for its recommendation, and reviewing Mr. Arnold's response, the Panel referred this case to the Committee on May 6, 2010.

The Committee deferred further action pending a decision by the Maryland Commission. The Maryland grievance procedure had been initiated by the Veterans Consortium Pro Bono Program, through whom Mr. Arnold came to represent the appellant. On November 18, 2010, the Maryland Commission issued a public reprimand of Mr. Arnold. The Maryland Commission found that Mr. Arnold's conduct in Case No. 08-2485, as described above, violated Maryland Rules of Professional Conduct (Md. RPC) Rule 1.1, requiring thoroughness and preparation, and Rule 1.4, requiring that attorneys communicate the status of cases to their clients, abide by clients' decisions regarding objectives, and provide clients with the information necessary to make informed decisions about their case. Additionally, the Maryland Commission found violations of Md. RPC Rule 1.16(d), requiring attorneys to surrender papers and property to which a client is entitled, and Rule 8.1, requiring cooperation with the Office of Bar Counsel.

On March 28, 2011, the Committee recommended to the Panel that the Court impose reciprocal discipline in the form of a public reprimand. The Court hereby adopts that recommendation. As a result, the Court will impose reciprocal discipline in accordance with A&P Rule 7(d)(3)(B). Accordingly, it is

ORDERED that Mr. Arnold is hereby publically reprimanded for his conduct in *Singleton v. Shinseki*, No. 08-2485, as described in this Order.

DATED: JUNE 2, 2011

PER CURIAM.

CERTIFIED MAIL – RETURN RECEIPT REQUESTED